

The State of South Carolina



Office of the Attorney General

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April 9, 1987

The Honorable Donna A. Moss
Member, House of Representatives
309B Blatt Building
Columbia, South Carolina 29211

Dear Representative Moss:

In a letter to his Office you questioned whether current state statutes authorize county narcotics officers, such as those employed by a sheriff's department, to have statewide jurisdiction. You also questioned whether federal law authorizes such officers to cross state lines to make a narcotics case.

I am enclosing copies of two prior opinions of this Office dated January 28, 1985 and June 20, 1984 which I believe are instructive on the questions raised by you. Moreover, I would refer you to several state statutes which authorize law enforcement activity by county law enforcement officers outside their regular jurisdiction in certain instances. Pursuant to Section 23-1-210 of the Code, the intra-state transfer of county law enforcement officers on a temporary basis is authorized. Such statute specifically provides that:

any ... county law enforcement officer may be transferred on a temporary basis to work in law enforcement in any other municipality or county in this State under the conditions set forth in this section, and when so transferred shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred.

Such provision states that prior to such a transfer, a written agreement must be entered into by the affected jurisdictions. This Office also recognized in the June 20, 1984 opinion noted above that Sections 8-12-10 et seq. of the Code "... would permit the interchange of local governmental employees, such as sheriffs' deputies, between the counties."

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In an opinion dated May 17, 1978, this Office referencing Section 6-1-20, Code of Laws of South Carolina, 1976, and Article VIII, Section 13 of the South Carolina Constitution determined that:

(t)he ability of political subdivisions to enter into an agreement for the joint administration, responsibility and sharing of the costs of services with other political subdivisions is granted ...

Section 6-1-20 specifically provides that

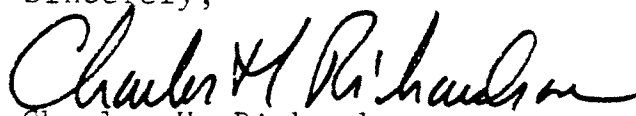
(l)ocal governments, including counties ... may enter into contractual agreements with each other to provide joint public facilities and services when considered mutually desirable.

Therefore, there is specific authority for a law enforcement officer to act outside his jurisdiction in certain circumstances. However, it is clear that implicit in any such authorization is the requirement that there be agreement between the two affected jurisdictions.

As to the authority of an officer to act outside this State, I would refer you to the enclosed opinion dated June 20, 1984 which deals with a question concerning the possible interchange of law enforcement personnel between states. I am unaware of any federal statutes authorizing officers of one state to cross state lines for law enforcement purposes.

If there is anything further, please advise.

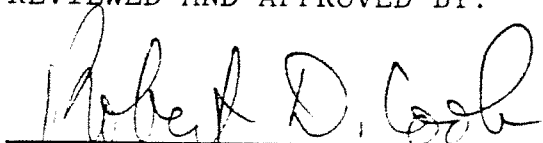
Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosures

REVIEWED AND APPROVED BY:



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